

Chapter 13: Tribal Enforcement

Section 13.050: Handling License Suspension on Tribal Cases

This section gives guidance on handling tribal cases with license suspension considerations.

CONTENTS

Laws	Chapter 26.25 RCW cooperative child support services – tribes Chapter 37.12 RCW tribal relations <u>Washington State Centennial Accord of 1989</u>
Policy	SEMS will exclude cases with tribal indicators set from automated warning letters. Consult with a Tribal Liaison before attempting to send a warning letter on a <u>Tribal Case</u> . Staff may send a warning letter to an American Indian NCP who is not a member of a federally recognized Washington tribe, or is a member but does not live on or near a reservation, unless a <u>cooperative agreement</u> says otherwise. The Tribal Liaison and ESA STRU work in partnership to address license suspension issues on cases with tribal connections.
Procedure	Contact your Tribal Liaison before proceeding with license suspension on cases with tribal connections.
Visual Aids	<u>Tribal Relations</u> Internet site <u>SEMS Web</u> TI - Tribal Information
Automated Actions	
SEMS Screens	<u>LI</u> , <u>CC</u>
Forms Used	<u>09-851</u> , <u>09-520</u> , <u>09-277b</u> <u>09-850</u> , <u>09-852</u>
Hearing and Conference Board Rights	Refer all requests to the Regional Tribal Liaison or Tribal Claims Officer.
See Also	<u>Chapter 7 Hearing and Conference Board Rights</u>

PROCEDURES

A. When can I consider a tribal case for license suspension?

1. When the NCP meets the conditions described in Section 10.100, **And**
2. The NCP's actual income is the basis of the child support order (see Note below), **And**
3. You have reason to believe the NCP has income to pay the support; **And**
4. Normal collection remedies have been exhausted, including recent telephone calls and letters to the NCP for voluntary payments or a wage assignment, **And**
5. Utilizing this remedy is consistent with any cooperative agreements that may be in effect.
 - a. **Note:** You might consider the case for license suspension even if the NCP's actual income is not the basis of the child support order if you are unable to revisit the order because the NCP has not provided the needed income information after you have called and written, and have requested assistance from the tribe and/or STRU.

B. How do I initiate license suspension on a tribal case?

1. Document on the **CC**, code 76, how the NCP meets the criteria.
2. Send the **License Suspension Warning Letter**, DSHS 09-850.
 - a. If the NCP does not respond, send the **Notice of Noncompliance and Intent to Suspend Licenses**, DSHS 09-851.
 - b. If no response to the 09-851, the Tribal Liaison should e-mail STRU before proceeding with the **License Suspension Certification**, DSHS 09-852. STRU may contact the tribe for possible referral to the tribe for enforcement action.

C. Can I proceed with license suspension if the case does not meet the definition of a tribal case but has tribal connections?

1. If the NCP is an American Indian but not a member of a federally recognized Washington tribe, or is a member but not living on or near a reservation or working for a tribal enterprise, you may proceed if normal collection actions have failed and there is no cooperative agreement in effect.
2. Consult your Tribal Liaison regarding any agreements that may be in effect.